IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1161 OF 2004

The State of Maharashtra ... Appellant

V/s.

Jayantilal Bhikubhai Mhasane ... Respondent

CRIMINAL APPLICATION NO.1352 OF 2005

The State of Maharashtra ... Appellant

V/s.

Umabai Vana Suryawanshi & 2 Ors. ... Respondents

Mrs.P.H. Kantharia for Appellant/Applicants

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **APRIL 7, 2005**

P.C.:

. The State has come up for enhancement of the sentence against the judgment and order passed by the learned trial Court convicting the accused under section 326 of the Indian Penal Code to suffer four years rigorous imprisonment for offence under section 326. Criminal Application No.1352 of 2005 for leave to appeal is against the acquittal of the accused under section 307 of the Indian Penal Code.

2. Heard Counsel.

3. The reasoning given by the learned trial Judge while deciding Point 5 is legal and valid. It was the case of the prosecution itself that the incident arose out of animosity between the complainant and the accused. In such circumstances, on appreciation of evidence on record, if the trial Judge has come to the conclusion that the intention was to cause grievous hurt only and not attempt to murder, it cannot be said to be a perverse reasoning or illegal order. The order, in our opinion, does not warrant any interference. Both the appeal and the Application for leave to appeal are rejected.